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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,447	11/20/2001	Ric Saito	35.C15963	8541

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/988,447

Applicant(s)

SAITO, RIE

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks, filed 02 January 2007, with respect to the rejection(s) of claim(s) 19 and 20 under 35 U.S.C. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference(s). See below rejections.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (5,862,223) and Szlam et al. (5,963,635).

4. As per claim 19, Walker et al. teaches a help server apparatus comprising: inquiry receiving means for receiving contents of an inquiry from a user terminal apparatus (see Walker et al., col. 6, line 56-col. 7, line 5); extracting means for extracting a key word from the contents of the inquiry (see Walker et al., col. 18, lines 23-30); searching means for searching for a helper terminal apparatus on the basis of the key word (see Walker et al., col. 20, lines 50-65); second communication ability receiving means for receiving, from said helper terminal apparatus in order of priority, information of a communication ability desired by said helper terminal apparatus (see Walker et al., col. 8, lines 28-39 and col. 14, lines 25-41); producing means for

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producing a list of helper terminal apparatuses searched by the searching means; list transmitting means for transmitting the list to said user terminal apparatus; selection receiving means for receiving, from said user terminal apparatus, a request of a session with a helper terminal apparatus selected from the list (see Walker et al., col. 27, lines 4-24); determining means for automatically determining a communication ability to be applied to the session on the basis of the information of the communication ability of said user terminal apparatus and the information of the communication ability desired by said helper terminal apparatus (see Walker et al., col. 27, lines 4-24 and col. 28, line 66-col. 29, line 13); transferring means for transferring the request of the session to said helper terminal apparatus together with the determined communication ability; and settlement means for confirming that the requested session was started normally, performing charging processing to a user; and performing charge payment processing to said help server apparatus (see Walker et al., col. 28, line 66-col. 29, line 13). But fails to teach first communication ability receiving means for receiving, from said user terminal apparatus, information of a communication ability of said user terminal apparatus in order of priority. However, Szlam et al. teaches first communication ability receiving means for receiving, from said user, information of a communication ability of said user in order of priority (see Szlam et al., col. 20, lines 43-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Walker et al. to first communication ability receiving means for receiving, from said user, information of a communication ability of said user in order of priority in order to contact

a customer in the manner which is preferred by the customer, such as the time, date, and location (see Szlam et al., abstract).

5. As per claim 20, Walker et al. and Szlam et al. teach the help server apparatus wherein the information of the communication ability is at least one of a data transfer rate, an information transfer ability, and a type of a terminal apparatus (see Walker et al., col. 7, lines 6-29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER

